

## **PUBLIC HEARING NOTES**

**Committee Name:** Bruce Freeman Rail Trail Committee

**Date, Time and Location of Hearing:**

June 14, 2007, 7:00 PM, Hearing Room

**Committee Members Present:**

Harry Beyer, Elissa Brown, Jim Coutre, Nancy Crowther, Ken Miller, Barbara Pike, Andrea Siani, Jim Terry.

**Members Absent:**

Gerry Boyle.

**Others Present:**

Tricia Domigan, Mark Louro, Matt Verrell, and others from VHB, Natural Resources Administrator Delia Kaye, Selectman Dinny McIntyre, and about 30 to 40 citizens.

**Materials Distributed to Committee Members:**

1. From VHB: Copy of the slides presented
2. From VHB: Copy of Design Criteria with pictures from other trails
3. From Jane Coutre: Copy of proposal for the Concord Heritage Trail, an alternate alignment of the trail from Old Marlboro Road to Sudbury.

**Citizen Comments:**

This was the sixth of seven planned community outreach hearings. The topics covered were the West Concord Business Community and Environmental Issues. Since those topics occupied the whole evening, the remaining topics of Historic Trail Features, Hazardous Materials, Liability and Insurance will be put off until another, eighth, meeting, to be held before summer vacations start in earnest. The slides presented are available elsewhere.

Tricia stated that the citizen comments and a FAQ will be on the website by the end of next week. She said that VHB has just received the base mapping and it will be available June 25th, in time for the meeting which includes the Historic Features section.

The first section covered the trail alignment through West Concord Center. See elsewhere for a copy of the detailed slides presented, which covered the points discussed at a meeting with the W. Concord business community on March 27, 2007. Tricia said they have gotten good feedback from the community on alternative trail alignments through the MBTA parking lot area. She showed a picture of three possible trail alignments through the MBTA area. She said they would talk to Concord Park personnel about an alternative path that does not conflict with the residents' walking paths.

Citizen and Committee Member comments and questions on the W. Concord Business Community section of the presentation:

1. Q: Will we receive input from Mass Highway and the MBTA before decisions are made on alternative alignments? A: Yes, and VHB will do a traffic analysis. They will talk to Town Engineer Jim Shuris about the planned upgrade to the traffic signal.
2. Q: What is an example of a rail trail going through a parking lot? A: The Mattapoisett trail.
3. Q: Have you considered using speed tables in the MBTA parking lot? A: Yes, but the maintenance of them, such as plowing, is hard.
4. Q: Can you do enforced back-in? A: We will consider it.
5. Q: Can the bike path be next to the Concord Park walking path? A: Possibly, with a railing or plants separating them. C by the citizen: I like this idea and this would help with safety issues.
6. Q: How many parking spaces are you designing for West Concord? A: The number will depend on the forecast number of riders, which will be developed later in the design.
7. C: I am a biker but am worried about the turtles at Warner's Pond. The rail bed goes along the sandy bank on the south edge of the pond. The turtles come up in June to lay their eggs. There are spotted turtles, Eastern box turtles, and snapping turtles. I would rather drive elsewhere to bike in another town than have a rail trail in Concord which harms the turtles. A: We will add this to the environmental issues studied.
8. C: I like the suggestion of taking the trail behind Concord Park. I suggest we bring the line underneath the active rail line, and then back up to grade close to Vincenzo's. Perhaps the vacant lot where Dino's burned down could be incorporated into the trail design. Widen the existing automobile bridge and add a bike lane to it, so the bikes can go up Cottage Street. Perhaps make Cottage Street one-way. Cross Main Street at the Cottage Street light, then take the bike path down Old Marlboro Road. A from VHB: The river already goes under the active rail line; perhaps use that somehow.
9. Q: I thought EOT owns the land for the rail bed in Concord. Is it a permanent easement? A: If it's an easement it could be revoked.
10. Q: Why not have people cross the active rail line by going underneath it? A: We are not sure if the MBTA would let us tunnel under their line in either location suggested. We are concerned about the space that such a tunnel would take out of the MBTA parking lot. We think it would be easier to somehow make the rail trail go where the river goes under the active line. As for the option of using the existing bridge, there may be flooding problems with that.
11. Q: I am concerned about the safe crossing of the rail trail by elderly residents of Concord Park. A: Federal standard measures would be used for warnings, such as signage.
12. Q: Who is responsible for looking for land for parking? A: The Town. Construction of any parking lots would be part of the rail trail project.
13. C: I saw an 18-wheeler take the Cottage Road short cut from Old Marlboro Road. We need a sign forbidding trucks. A: The truck exclusion mechanism is very difficult.

14. Q: What spots are being considered for parking lots? A: The places currently being considered are: a. extending the MBTA parking lot. There is 80 feet available, yielding approximately 16 spaces. b. a lot near the prison
15. Q: Say more about the W. Concord overlay district. A: The Overlay group is considering another outlet onto Winthrop St. VHB will work with the planning department on this.
16. Q: Have you done any more thinking about the active rail line crossing? A: The only thing we have considered so far is a crossing gate, and there seemed to be opposition to this solution. C: The proposed rail trail line through the parking lot is very dangerous for bicycles. C: Consider a natural pause on each side of the active rail bed.
17. Q: West Concord is a destination. There are many things to see and do, and many possible ways to go through it. Must we have the rail trail follow a fixed route through it? A: We will put in kiosks giving information on where the shops and other amenities are.
18. Q: I don't think it is hard to get across Main St. Do we really have to do something? A: It is different for bicyclists than pedestrians.

The next section of the presentation was Environmental Update. Delia Kaye, Natural Resource Administrator, gave an overview. She said that the committee worked hard on the RFP, and the environmental piece was a major part of it, and extended beyond what is normal in a 25% Design. The staff is now collecting data on environmental issues. The wetlands delineation is complete, and twelve distinct wetlands areas were identified. They have made initial contact with the US Fish and Wildlife department, and found that there are no endangered species in the area. Contact with the state Natural Heritage and Endangered Species department determined that there are three plants and one invertebrate from their list in the area. They will set up a meeting with them. A vernal pool survey was done in April. Salamanders, wood frogs and peepers were seen. Problem areas of invasive plant species will be identified. An initial Bird Breeding Habitat survey was conducted in late spring, and a second one is planned soon for summer birds.

Matt Verrell, an environmental scientist, was introduced. He will be overseeing the environmental part of the project. He said the RFP was very thorough, and environmental issues are obviously very important to Concord. Tricia presented detailed slides about the MEPA (Massachusetts Environmental Policy Act) office and what it does. A letter had been sent to the MEPA office asking whether the proposed BFRT as a whole will require filing an ENF and EIR. The answer came back that each town must request an opinion individually. Thus each town will need an ENF and possibly an EIR.

1. Q: Why is study of erosion into White Pond not mentioned? A: The trail will be designed to minimize erosion.
2. Q: Behind my house is a very steep grade right down to the pond 35 feet away. How could any type of construction not cause severe erosion? A: This will be dealt with in two ways. a. During construction there will be hay bales and other means for preventing erosion. b. The design of the trail will include such erosion

mitigation measures as increasing the vegetation on the slope, or flattening out the slope to lower the trail. There are many other possible methods for minimizing erosion, such as riprap.

3. Q: The MEPA answer says that towns are independently building parts of the trail. Why did we say in the RFP that we don't want to build a stand-alone project that doesn't connect to Acton or Sudbury?
4. Q: Why does the VHB contract say that it is assumed that an ENF will not be required? A: The contract was drawn up in February, the MEPA answer came in March.
5. Q: The contract says that you will recommend methods to minimize environmental impact. It seems that the contract talks about how to minimize environmental impacts, rather than warning people of how severe they are. A: We will make recommendations, and then the town can decide. Q: The contract doesn't say you will make recommendations. A: But we WILL.
6. Q: Is the town well very close to Jennie Dugan swamp being considered? A: We are designing to avoid that location.
7. Q: The concerns of Commonwealth Ave and Concord Park residents are being treated seriously -- why not the White Pond neighborhood? How can the trail go through that area without disturbing wildlife? A: We will talk with the committee about ALL comments received. Nothing is being discarded.
8. Q: The trail was initially funded as a recreational project. Now talk is primarily of it being a transportation project, funded by the transportation department. Doesn't that change the decisions that are made? Doesn't that mean more stringent requirements? A: There is a specific list of criteria that we look at for all projects, regarding wetlands, safety, etc. We are using Federal design criteria that are not specifically for transportation. CMAQ funds can be used for any kind of trail. The procedure will be to get the project approved, and then see what funding sources are available.
9. Q: What is the threshold for minimal impact? A: The thresholds come from the existing regulations -- Wetlands Protection Act, etc. There is no Massachusetts Wildlife Act per se. The regulatory environment puts a lot of emphasis on wetlands and endangered species. The town and committee will weigh the results from our wetlands studies and decide whether the benefits of the trail outweigh the costs. There can never be NO impact, so we must balance things off, answering such questions as are there CRITICAL areas of unusual species? And will the impacted species come back?
10. Will you have specific numbers on how many species are disrupted for how long? A: Probably not exact numbers. There will be general statements of what will be disrupted.
11. Q: Where are the 12 wetland areas? A: They will show up on the base map when it is available on June 25.
12. Q: When was the bird survey done? A: One was done on June 2, one will be done next week. There are 18 observation stations.
13. Q: How many hours are budgeted for the outdoor trail work? A: It is split into three efforts. a. spring, wetlands and vernal pools b. summer c. fall, bird survey.

14. Q: Is the MEPA ruling complete? A: No. From Delia Kaye: An ENF costs about \$10 to 20K, an EIR about \$75K. MEPA expects you to prepare a document describing how we would mitigate the impacts. Usually an advisory opinion is not required. The size of the project is considered. If its greater than 5 acres it is subject to MEPA.
15. Q: Would the expected traffic counts on the trail be used to determine the environmental impact? A: There are certain criteria for different kinds of projects.
16. Q: Do we have a local scope for endangered species? A: We have anecdotal information and a list of things that are not necessarily on the state list.
17. Q: Can you give examples of possible ways to mitigate effects on wildlife? A: One possible choice is using a boardwalk to elevate the trail and create shade. Another is to create an embankment for the turtles. They like the rail bed embankments.
18. Q: Have you ever re-routed a rail trail? A: No, but roads have been re-routed due to a vernal pool or endangered species.
19. Q: I would like a signup sheet giving accountability to local experts such as Lydia Rogers, so we know VHB has consulted them. We are repeating things. A: We will try to do that.
20. Request that a representative from the Old Pickard Trust II be included in the meeting with the National Heritage group.
21. Q: What are the buffer zones around wetlands and vernal pools? A: Federal designations do not have buffer zones. Vernal pools are not a resource under the Wetlands Protection Act. The DPW has a 100 foot buffer zone. Q: Is there meat in the regulations or just paperwork? A: It varies by town and board. From Delia Kaye: Very professional people look at each project on its merits. In the past, appeals of Concord's decisions have been upheld.
22. Q: I am scared by the mention of using riprap to control erosion at White Pond. A: There are many possible solutions to erosion control, and many ways to stabilize steep banks. Riprap was a bad example.
23. Q: If you lower the railbed as was mentioned earlier, what happens to the contaminated soil? A: Hazardous waste will be covered later.
24. Q: When will we hear things we can make a judgment about? To quote Bob Armstrong, the reason for spending the money for the consultant is to answer the questions about White Pond and other environmental concerns, not to actually build the rail trail. When do we get to vote yes or no on the rail trail? I don't see the experts recommending anything. I want to hear the impacts on environment, safety, etc. and then decide whether to proceed. A: We are in the process of getting community input. We have not had any regular committee meetings at which decisions are made.
25. Q: This sounds like a circular procedure to me. It is inconceivable to me that detailed graphics of alternate paths around Concord Park are shown, but there are none on the burning issues about White Pond and the environment. We want VHB to show us solutions. A: It was suggested to have community input meetings at the beginning before the design work is done. The base mapping has not been completed yet.

26. Q: I see nothing even sketchy about the White Pond delineation. What is the width within which environmental information will be collected? A: Within a 100 foot swath down the railroad Right of Way. Q: Just 50 feet on each side of the centerline, or the White Pond environs too? A: We're looking at connectivity to larger blocks. We will be using Delia Kaye's studies.
27. C: The Nashua River Rail Trail varies in width depending on the environment. There are unique wildlife features in Concord. For example the Christmas bird count is very thorough each year.
28. Q: How is the 100 foot width measured -- horizontally or from the water's edge walking up the steep slope? A: Horizontally as shown on the map.
29. Q: The rail trail is in the middle of the Jennie Dugan wetlands. How does this impact the project? What is the buffer zone there? A: The boundaries are based on certain criteria. When the railroad was built both sides of the swamp were connected. Now it is not a wetland -- it is well above the water table. Q: Has anyone measured from the water's edge to the rail bed? A: The base mapping will show it. We think the rail bed lies in the buffer zone. So any work will require Wetlands Protection Act filings.
30. C: The MEPA slides stated that we will take all feasible measures to avoid, minimize and mitigate environmental effects. The proposed trail is about 16,000 linear feet by 10 feet wide, which is about 4 acres. If this is paved it feels like damage to me. I request that we look at all possible ways to avoid this damage, such as not using asphalt, or re-routing the trail to roads.
31. C: I have heard lots of negative feedback here, and I disagree with the opinion on what we decided at Town Meeting. We were certain that we were voting on a system for determining what the environmental impact will be. I have heard no talk on the environmental BENEFITS of the trail. We want the path to be at least as good as the current byways and roadways for getting places. Any time people can use the path instead of driving, it is an environmental benefit. When SmarTraveler first came out it was uncertain what the environmental benefits were, but my firm calculated them. For an example of one calculation which could be made, paving creates emissions, 200 pounds per mile paved. You balance that with the VOC emissions from cars, 7000 pounds. If 10 people commute one mile per day (20 trip-ends per month), within 18 months they have counteracted the emissions caused by the rail trail. And that doesn't even take into account the benefits from reduction of CO2. Q: How are we calculating the environmental BENEFITS of the trail? Q: Does VHB believe it can design something that will not impact White Pond? A: Yes, definitely. C: There are many ways to do it. As far as riprap goes, the condos on Old Marlboro Road have three stories of riprap -- its the way things are done. We should be more positive.
32. Q: There are trees that have grown in over the rail bed. Have you quantified how much has to be removed? A: Yes, we will quantify this.
33. Q: The Eastern painted turtle is not endangered and is not protected, so is not covered by laws. But I want the rail trail re-routed around the turtle breeding area. The rotary will take a very long time to re-build. If we re-route the trail will it get in the way of a new underpass or overpass? We can only make the best

decision if we are all kept informed. We want to hear about the process of being kept informed.

34. Q: The current rail bed has arsenic and creosote, and must be capped. Does CSX have any responsibility for cleaning this up? A: No, the property owner must do it.
35. C: The environmental benefits calculation is complex. The rail trail will help more people commute without driving, BUT people will drive to use the rail trail.
36. C: Our desire is to influence the design. I am unhappy that you are leaving out the public until the design is done.
37. C: We need to balance the needs of the citizens with the needs of the wildlife and environment. At last night's special Town Meeting there was a strong preference to cut down the ten acres of trees and put down a surface on which we can exercise. Let's not ignore the endangered species -- the free-range child.
38. Q: Will the baseline study of the Old Pickard Farms Trust II land be part of the local report? A from Delia: We will talk with the staff.
39. C: Most people want some kind of trail, but we want it done properly. We don't want to lose the resource of White Pond. Maybe there is a win-win solution.
40. C: I have seen a lot of projects where the comment period is after the design is done. I am happy it is being done now and the comments will be on the website.
41. C: I am impressed with the professionalism and patience of the consultants.
42. Q: When are we going to talk about liability issues? A: A future meeting.

The hearing was adjourned at 9:50 PM.

**Recorder Name:**

Nancy Crowther